

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor

TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD

Minute Order and Trial Log

Date: April 6, 2022

Time in Court: 8:50-11:30 AM; 12:10 PM-1:59 PM; 2:32-4:02 PM
(TOTAL Time: 5 hrs, 59 min.)

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach

Also present: Agent – Christopher McCollow

Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Aaron Brecher, Amanda McDowell, Shawn Estrada,
Sachi Schuricht, Molly McCafferty, Amanda McDowell,
Serena Nichols

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Jury Trial:

Jury Trial held April 5, 2022. Testimony held and evidence entered.
Further Jury Trial set for April 12, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 188, 200, 201, 192, 223, 259, 262, 291, 277, 959, 961, 860, 871, 966, 957, 1014,
1157, 3070, 3965, 3981,

Defendants: 20279, 20498, 20277, 20496, 20501, 20255, 20461, 20444, 20460, 20456, 20265,
20458, 20490, 20521, 10574

The following exhibits are admitted into evidence:

Plaintiffs: 188, 200, 201, 192, 223, 259, 262, 291, 277, 959, 961, 860, 871, 966, 957, 1014,
1157, 3070, 3965, 3981

Defendants: 20279, 20498, 20277, 20496, 20501, 20255, 20461, 20444, 20460, 20456, 20265,
20458, 20490, 20521, 10574

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18- CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: April 6, 2022		REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		8:50 am	Court in session outside of presence of Jurors to discuss housekeeping matters with counsel
		9:23 am	Court in session; Jury present
			Court addresses Jury re previous admonishment
		9:24 am	Witness #2, Mark Pandori, takes the stand
			Cross-examination of Dr. Pandori continues
	Ex. 20279	9:29 am	ADMITTED into Evidence – 5/30/2014 Email to Adam Rosendorff re transition report (and Attachment, transition MWP 05_2014.docx)
	Ex. 20498	9:39 am	ADMITTED into Evidence – 5/30/2014 Pandori Email to Ramamurthy and Balwani re Transition Report, and Attachment – MWP_05_2014.docx
	Ex. 20277	9:48 am	ADMITTED into Evidence – 5/21/2014 Pandori/Rosendorff Email String re draft email to CLIA Laboratory Members
	Ex. 20496	9:52 am	ADMITTED into Evidence – 5/27/2014 Ramamurthy Email to Pandori re Transition
Obj	Ex. 20501	9:57 am	ADMITTED into Evidence (Fed. R. Evid. 8036) – 5/30/2014 Pandori/Balwani Email String re HCV small volume thoughts
	Ex. 20255	10:03 am	ADMITTED into Evidence – 01/30/2014 Email String re VIP samples
Obj	Ex. 20461	10:10 am	12/11/2013 Patel Email to Pandori re TNAA LDT validation reports, and Attachment(s) – draft validation reports
	Ex. 20444	10:14 am	ADMITTED into Evidence – 12/13/2013 Pandori Email to Patel and Rosendorff re naat validation
	Ex. 20460	10:18 am	ADMITTED into Evidence – Dec 2013 Pandori/Patel Email String re b. parapertussi valid. Sugg.
	Ex. 20456	10:21 am	ADMITTED into Evidence – 1/11/2014 Pandori Email to Balwani re Edisons et al.

TRIAL DATE: April 6, 2022			REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	Ex. 20265	10:24 am	ADMITTED into Evidence – 3/17-18/2014 Balwani/Pandori/Young Email String re PA	
	Ex. 20458	10:31 am	Feb. 2014 Young/Comp.Bio/Joshi/Pandori/ Rosendorff Email String re Wired Article	
	Ex. 20490	10:35 am	ADMITTED into Evidence – May 2014 Pandori/Hadziahmetovic/ Pangarkar/ Rosendorff/Doshi/Souppé/Riener/Alamdar Email String re Edisons	
	Ex. 20521	10:43 am	ADMITTED into Evidence – May 2014 Email String re 33050 and 23321	
		10:48 am	Government Re-Direct of Dr. Pandori	
		11:30 am	Court breaks for 40 minutes	
		12:10 pm	Defense Re-Cross of Dr. Pandori	
		12:17 pm	Witness #2, Dr. Mark Pandori, excused	
		12:18 pm	Witness #4, Dr. Constance Cullen sworn and takes the stand.	
		12:19 pm	Government's Direct of Dr. Constance Cullen	
Ex. 188		12:24 pm	ADMITTED into Evidence – Feb/Mar 2009 Email String re Follow up to our call	
Ex. 200		12:31 pm	ADMITTED into Evidence – Theranos/Schering Corporation Services Agreement, 4/29/2009	
Ex. 201		12:34 pm	ADMITTED into Evidence – Apr 2009 Email String re Need an invoice for Schering-Plough, and Attachment: 4/29/2009 Theranos Invoice SP09001 to Schering-Plough Research Institute and Protocol	
Ex. 192		12:37 pm	ADMITTED into Evidence – 3/30/2009 Meeting Reminder: Subject – Schering-Plough folks here – Draft agenda attached, and Attachment: Draft Meeting Agenda	
Ex. 223		12:41 pm	ADMITTED into Evidence – 6/16/2009 Frenzel/Cullen Email String re Assay Development	
Ex. 259		12:44 pm	ADMITTED into Evidence – Dec 2009/Jan 2010 Email String re Validation Report, and Attachment: Theranos Multiplexed Assay Panel Validation Report – Human IL-6, Human TNF- α , Human CRP (hs)	
Ex. 262		12:48 pm	ADMITTED into Evidence – Dec 2009/Jan 2010 Email String re Validation Report	

TRIAL DATE: April 6, 2022			REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
Ex. 291	Obj	12:53 pm	ADMITTED into Evidence (for limited purpose of knowledge of recipient and not for truth of matter – top email only and attachments) – 4/14/2010 Holmes Email to Jung re Follow Up from Walgreens, and Attachment: Excerpts from GSK Metabolic Study Report	
Ex. 277	Obj	12:59 pm	ADMITTED into Evidence (for limited purpose of knowledge of recipient and not for truth of matter – top email only) – 3/19/2010 Holmes Email to Shepard (cc: Balwani) re times to talk, and Attachment: multiplex panel validation report FDA	
		1:04 pm	Cross-examination by Defense	
	Ex. 10574	1:18 pm	ADMITTED into Evidence – Mar 2010 Holmes/Cullen Email String re Follow-up	
		1:21 pm	Government Re-Direct of Dr. Constance Cullen	
		1:22 pm	Witness #4, Dr. Constance Cullen, excused	
		1:22 pm	Government calls Daniel Edlin to the Stand	
		1:23 pm	Witness #5, Daniel Edlin, sworn, and takes the Stand	
		1:24 pm	Government begins direct examination of Daniel Edlin	
		1:59 pm	Court breaks for 33 minutes	
		2:32 pm	Jury present; Witness #5, Daniel Edlin, returns to the Stand.	
			Court in session in presence of Jury and witness	
			Government's direct examination of Daniel Edlin continues	
Ex. 959		2:36 pm	ADMITTED into Evidence – Aug 2013 Email String re Demo on 8/13 – 4s and minilab	
Ex. 961		2:51 pm	ADMITTED into Evidence – Aug 12-13, 2013, Edlin/Holmes/Balwani Email String re devices in the demo room for tomorrow's meeting	
Ex. 860		2:55 pm	ADMITTED into Evidence – May 31 – Jun 1, 2013 Email String re Sample running right now, and Attachment: Theranos Lab Report – Theranos Test report Technology Demonstration	
Ex. 871		3:09 pm	ADMITTED into Evidence – Jun 2013 Email String re demo next Tuesday (6/11) @ noon	
Ex. 966		3:14 pm	ADMITTED into Evidence (email only) – 2013-08-14 Young Email to C. Holmes, Edlin, E. Holmes, Balwani, Blickman re demo results 8_13_2013	

